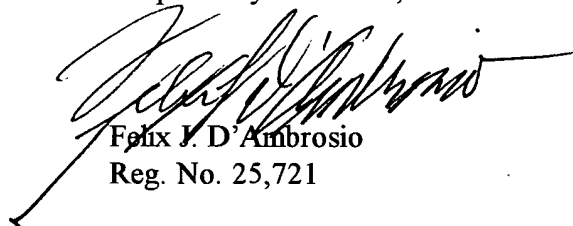


the cutting occurs along at different Miller index planes. The superimposed substrate and plane are heated in an inert gas atmosphere thereby forming a single crystal with a unique orientation relative to the cutting plane orientation. The '279 patent really is silent regarding the noted uniqueness. Without a teaching in some way associated with the noted uniqueness it is not seen how the '279 patent can render claims 1-19 unpatentable under 35 USC 103.

In reply to this argument, the examiner has suggested that "...the reference applied against the claims is not limited in scope so as to exclude the indexes, which are claimed." This statement is not in accord with the law of 35 USC 103 and how it is applied. The consideration of "scope" is more germane to a consideration of claim construction not reference application. When a reference is to be applied for a given proposition, then the reference must somehow disclose that proposition. One should not confusion construction of a claim with application of a reference. The particular cutting orientation is not arbitrary

Respectfully submitted,



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